

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill # 711318553US, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 18, 2005

Signature:

*Susan M. Dillon*  
(Susan Dillon)

#2  
Docket No.: 64348(41925)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Christian Hubschwerlen et al.

Application No.: Not Yet Assigned

Confirmation No.: N/A

Filed: Concurrently Herewith

Art Unit: N/A

For: NOVEL COMPOUNDS HAVING AN ANTI-BACTERIAL ACTIVITY

Examiner: Not Yet Assigned

**PETITION**

MS PCT  
Attention: PCT Legal  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The above-referenced International Application was not timely filed under 35 U.S.C. §371 by the national entry due date of October 8, 2005.

The abandonment of the above-referenced application was unintentional. The entire delay in filing the application from the filing due date of October 8, 2005 until the present filing of this petition and the accompanying national entry was unintentional.

Accordingly, Applicant hereby petitions the U.S. Patent Office to grant national entry of the subject application in the U.S. We enclose a Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b), a check in the amount of \$1,265.00 (petition fee for small entity and filing fee for small entity) and the requisite documents for filing the above-referenced International Application in the U.S. Should any other fees be due or

BOS2\_512982.1

The PTO did not receive the following  
listed item(s) *no check*

*10/25/05*

Christian Hubschwerlen et al.  
Application No.: Not Yet Assigned  
Filed: Concurrently Herewith  
Page 2

credit owed in connection with this matter, you are authorized to charge Deposit  
Account No. 04-1105.

Dated: October 18, 2005

Respectfully submitted,

By 

Peter F. Corless

Registration No.: 33,860  
EDWARDS & ANGELL, LLP  
P.O. Box 55874  
Boston, Massachusetts 02205  
(617) 439-4444  
Attorneys/Agents For Applicant

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
64348(41925)

First Named Inventor: Christian Hubschwerlen

International (PCT) Application No.: PCT/EP04/003306

U.S. Application No.: Not Yet Assigned  
(if known)

Filed: March 29, 2004

Title: NOVEL COMPOUNDS HAVING AN ANTI-BACTERIAL ACTIVITY

MS PCT

Attention: PCT Legal

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☒ Small entity – fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

## 2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of \_\_\_\_\_  
(identify type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

10/25/2005 LLANDORA 00000054 041105 10553731

05 FC:2453

750.00 DA

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV711318553US, in an envelope addressed to: MS PCT, Attention: PCT Legal, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 18 October 2005

Signature: Susan M Dillon (Susan Dillon)

RECEIVED  
20 OCT 2005  
Legal Staff  
International Division

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

  
\_\_\_\_\_  
Signature

18 October 2005  
\_\_\_\_\_  
Date

Peter F. Corless  
\_\_\_\_\_  
Typed or Printed Name

33,860  
\_\_\_\_\_  
Registration Number, if applicable

EDWARDS & ANGELL, LLP  
P.O. Box 55874  
Boston, Massachusetts 02205  
\_\_\_\_\_  
Address

(617) 439-4444  
\_\_\_\_\_  
Telephone Number

Enclosures:

- ☒ Response  
☒ Fee Payment  
☐ Terminal Disclaimer  
☐ Other (please identify): \_\_\_\_\_